

New York	Madrid
Menlo Park	Tokyo
Washington DC	Beijing
London	Hong Kong
Paris	

# Davis Polk

James L. Kerr

Davis Polk & Wardwell LLP 212 450 4552 tel  
450 Lexington Avenue 212 701 5552 fax  
New York, NY 10017 james.kerr@davispolk.com

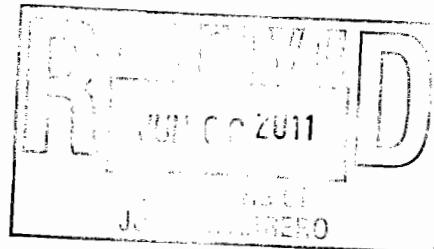
June 8, 2011

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #: 6/13/11  
DATE FILED: 6/13/11

Re: Jeanette Fuller Hausler, et al. v. JPMorgan Chase Bank, N.A., et al.  
No. 09 Civ. 10289 (VM) (Tranche III)

By Facsimile

Hon. Victor Marrero, U.S.D.J.  
United States District Court  
for the Southern District of New York  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, NY 10007



Dear Judge Marrero:

This firm represents Garnishee-Respondents and Third-Party Petitioners JPMorgan Chase Bank, N.A., Bank of America, National Association, Citibank, N.A., The Royal Bank of Scotland N.V. and UBS AG (collectively, the "Garnishee Banks") in the above-referenced proceeding. I write concerning the revised version of the proposed turnover order in Tranche III, which counsel for Petitioner has prepared for submission to the Court today.

We have provided counsel for Petitioner with technical comments on the order now being submitted, but continue to believe that the signing and entry of an order containing the findings set forth in paragraph (b) on page 8 is premature for the reasons set forth in my letter dated May 27, 2011, and are unable to consent to entry of an order containing that finding.<sup>1</sup>

Very respectfully yours,

James L. Kerr

cc: All counsel of record (by email)

<sup>1</sup> Paragraph (b) provides as follows:

"Upon evidence that has been submitted to and found to be satisfactory to the Court, the Cuban Adverse Claimants-Respondents are agencies or instrumentalities of Judgment Debtor the Republic of Cuba within the meaning of the FSIA and TRIA[.]"

The Clerk of Court is directed to enter into the public record of this action the letter above submitted to the Court by the Garnishee Banks listed above. The Court may re-examine the findings in its Tranche III Order SO ORDERED, referred to above in the event Respondents or Adverse Claimants present clear and convincing evidence that the Cuban entities in question are not agencies of the Republic of Cuba

DATE 6-13-11 VICTOR MARRERO, U.S.D.J.